

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL S. JOHNSON, DONNA DYMKOWSKI,
PATRICIA LONG-CORREA, ANTONIO
SAMUEL, VINCENT HALL, ANGELETTE
WATERS, Individually, and on behalf of the Class,

Civil Action No. 1:07-CIV 8473

Plaintiffs,

-against-

NEXTEL COMMUNICATIONS, INC., a Delaware
Corporation, LEEDS, MORELLI & BROWN, P.C.,
LENARD LEEDS, STEVEN A. MORELLI,
JEFFREY K. BROWN, JAMES VAGNINI,
FREDERIC DAVID OSTROVE, BRYAN
MAZOLLA, SUSAN FITZGERALD, and JOHN and
JANE DOES 1-10, (a fictitious designation for
presently unknown Defendants),

Defendants.
-----X

**NOTICE OF MOTION FOR
APPEARANCE PRO HAC VICE
OF TRACI L. VAN PELT, ESQ.,
MICHAEL T. McCONNELL, ESQ.
AND ROBERT W. STEINMETZ,
ESQ. PURSUANT TO LOCAL
RULE 1.3(C)**

PLEASE TAKE NOTICE, that on November 30, 2007 at 9:00 a.m. or as soon thereafter
as counsel may be heard, or on a date and time to be determined by the Court, the undersigned
will move this Court on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq.
Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq., for an Order pursuant to local Rule 1.3(c)
for the United States District Court for the Southern District admitting Traci L. Van Pelt, Esq.,
Michael T. McConnell, Esq. and Robert W. Steinmetz, Esq. *pro hac vice* in this matter.

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PLEASE TAKE FURTHER NOTICE that in support of this motion, the undersigned will rely upon the accompanying declarations.

Dated: December 14, 2007

RIVKIN RADLER LLP

ATTORNEYS FOR DEFENDANTS LEEDS,
MORELLI & BROWN, P.C., LENARD LEEDS,
ESQ., STEVEN A. MORELLI, ESQ., AND
JEFFREY K. BROWN, ESQ.

BY: 

SHARI CLAIRE LEWIS, ESQ. (SL-0527)
JANICE J. DIGENNARO, ESQ.
926 REXCORP PLAZA
UNIONDALE, NY 11556
516-357-3292 (PH)
516-357-3333 (FX)

MCCONNELL SIDERIUS FLEISCHNER
HOUGHTALING & CRAIGMILE, LLC
TRACI L. VAN PELT, ESQ.
MICHAEL T. McCONNELL, ESQ.
ROBERT W. STEINMETZ, ESQ.
DENVER CORPORATE CENTER, TOWER 1
4700 S. SYRACUSE, SUITE 200
DENVER, CO 80202
(303) 458-9555

TO: ANGEL M. ROPER, ESQ. And
KENNETH THYNE, ESQ.
ROPER & TWARDOSKY, LLC
Attorneys for Plaintiffs, Individually and on behalf of the Class
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Antonio Samuel, Vincent Hall, Angelette Waters
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Totowa, New Jersey 07512-2614
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JOSEPH C. O'KEEFE, ESQ.
LAWRENCE ROY SANDAK, ESQ.
THOMAS ALOYSIUS McKINNEY, ESQ.
JOSEPH C. O'KEEFE, JR., ESQ.
PROSKAUER, ROSE, L.L.P.

Attorneys for Defendant, Nextel Communications, Inc.
One Newark Center
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Newark, New Jersey 07102
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JASON S. FEINSTEIN
STERN & WEINROTH, P.C.

Lead Attorneys for Defendants, Bryan Mazolla,
Susan Fitzgerald
Suite 1400
P.O. Box 1400
Trenton, New Jersey 08607-1298
(609) 392-2100

-and-

JASON SCOTT FEINSTEIN
STEPHENS & CHARBONNEAU
1441 Route 22, Suite 204a
Brewster, New York 10509
(609) 392-2100

JAMES VAGNINI, Defendant Pro Se

FREDERIC DAVID OSTROVE, Defendant Pro Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendants.

**DECLARATION OF SHARI C.
LEWIS, ESQ. IN SUPPORT OF
MOTION FOR APPEARANCE PRO
HAC VICE PURSUANT TO LOCAL
RULE 1.3(C)**

-----X
I, **SHARI CLAIRE LEWIS, ESQ.**, pursuant to 28 U.S.C. § 1746, hereby declare the
following:

1. I am an attorney-at-law, admitted to practice in the State of New York and member of the law firm of Rivkin Radler LLP.
2. I am duly admitted to practice and in good standing before the United States District Court for the Southern District of New York.
3. This Certification is submitted in support of the Motion for Appearance *pro hac vice* filed on behalf of Traci L. Van Pelt, Esq., Michael T. McConnell, Esq. and Robert W. Steinmetz, Esq. of the law firm of McConnell, Siderius, Fleischner, Houghtaling & Craigmile, LLC, which is located at 2401 15th Street, Suite 300, Denver, Colorado 80202.

4. Rivkin Radler LLP, 926 RexCorp Plaza, Uniondale, New York 11556, is currently local counsel of record in this matter on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq. Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. Pursuant to Local Rule 1.3(c), Rivkin Radler LLP agrees to continue to serve as local counsel and to comply with the requirements set forth in the Rules of Court.

5. As a member of the Bar of this Court, I have previously filed a Notice of Appearance asking that all future notices, Orders and pleadings be served on myself at the office of Rivkin Radler LLP, 926 RexCorp Plaza, Uniondale, New York 11556. On their admission, a request will be filed with the Court that Ms. Van Pelt, Mr. McConnell and Mr. Steinmetz also receive all future notices.

6. The law firm of McConnell, Siderius, Fleischner, Houghtaling & Craigmile, LLC, and in particular Traci L. Van Pelt, Esq., Michael T. McConnell, Esq. Robert W. Steinmetz, Esq. concentrate and have significant experience in defending legal malpractice actions, and have been specifically requested by defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq. Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. to handle their representation in this matter.

7. This case is a purported class action. As against defendants Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq., Plaintiffs seek certification of sub-class comprised of those persons who timely requested exclusion from a class action filed against these same defendants in the State of Colorado. Ms. Van Pelt and Mr. McConnell were the counsel of record in the Colorado class action lawsuit from which the sub-class asserting claims against Leeds, Morelli & Brown, P.C. requested exclusion. That matter is captioned Foster, et al. v. Leeds, Morelli & Brown, P.C., et al., Case No. 2002CV1484, Arapahoe County District Court, State of Colorado.

8. The Foster class action case was settled pursuant to the C.R.C.P. 23.1 fairness approval process. A final order approving that settlement was entered. In that Order, the Colorado District Court released all claims asserted by 548 of the 587 claimants against Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq. The Colorado class action case was based upon the identical issues and claims as the case at bar.


9. Ms. Van Pelt and Messrs. McConnell and Steinmetz have just defended the trial of a lawsuit filed by two purported class members who requested timely exclusion from the Colorado class action and who are also purported members of the putative sub-class in the case at bar. That matter is captioned McNeil, et al. v. Leeds, Morelli & Brown, et al., Denver District Court, State of Colorado, Case No. 2003CV893. The McNeil matter, which was pending for 4 ½ years, was tried before a jury from October 29 – November 8, 2007, and resulted in a defendants' verdict.

10. As a result of Ms. Van Pelt's and Messrs. McConnell's and Steinmetz's representation of Leeds, Morelli & Brown, et al. in the Colorado class action case and the case filed by two claimants who timely requested exclusion from the class action case, these lawyers have acquired substantial knowledge concerning the facts and legal issues involved in this case.

11. Based upon the foregoing, and the accompanying Declaration by the applicant, I respectfully request that the Court admit Traci L. Van Pelt, Esq., Michael T. McConnell, Esq. and Robert W. Steinmetz, Esq., *pro hac vice* for the purposes of appearing, participating, and representing Leeds, Morelli & Brown P.C., Lenard Leeds, Esq. Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. in this matter.

I declare, under penalties of perjury, that the foregoing is true and correct.

Dated: Uniondale, New York
December 14, 2007



SHARI CLAIRE LEWIS, ESQ. (SL 0527)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL S. JOHNSON, DONNA DYMKOWSKI,
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SAMUEL, VINCENT HALL, ANGELETTE
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JEFFREY K. BROWN, JAMES VAGNINI,
FREDERIC DAVID OSTROVE, BRYAN
MAZOLLA, SUSAN FITZGERALD, and JOHN and
JANE DOES 1-10, (a fictitious designation for
presently unknown Defendants),

Defendants.

**DECLARATION OF TRACI L. VAN
PELT, ESQ. IN SUPPORT OF
MOTION FOR APPEARANCE PRO
HAC VICE PURSUANT TO
LOCAL RULE 1.3(C)**

-----X
I, **TRACI L. VAN PELT, ESQ.**, pursuant to 28 U.S.C. § 1746, hereby declare
the following:

1. I am an attorney-at-law admitted to practice law in the States of California
and Colorado, and a member of the law firm of McConnell, Siderius, Fleischer,
Houghtaling & Craigmile, LLC, which is located at the Denver Corporate Center, Tower
I, 4700 S. Syracuse, Suite 200, Denver, Colorado.

2. I have been admitted to practice in the State of California since 1994; the
State of Colorado since 1995; the United States Supreme Court since 2005; the U.S.
Ninth Circuit Court of Appeals since 1994; the U.S. Tenth Circuit Court of Appeals since
1995; the U.S. District Court for the Northern District of California since 1994; and the
U.S. District Court for the District of Colorado since 1996. I have not been denied

admission to, nor have I been subject to formal discipline by any Court. I further certify that I am currently in good standing with these bars admissions. Copies of Certifications of good standing from both California and Colorado are annexed hereto as Exhibits "A" & "B" respectively.

3. This Certification is submitted in support of my application for *pro hac vice* admission before this Court.

4. Rivkin Radler LLP, with offices located at 926 RexCorp Plaza, Uniondale, New York 11556, is currently counsel of record in this matter, and agrees to continue to serve as local counsel on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. pursuant to Local Rule 1.3(c) and to comply with all Rules of Practice set forth under both the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

5. My Firm currently represents defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. I have therefore developed expertise in litigating the precise issues arising from and related to this case. I have also become familiar with the policies, procedures and legal positions of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq.

6. This case is a purported class action. As against defendants Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq., Plaintiffs seek certification of a sub-class comprised of those persons who timely requested exclusion from a class action filed against these same defendants in the State of

Colorado. I was counsel of record in the Colorado class action lawsuit from which the sub-class asserting claims against Leeds, Morelli & Brown, P.C. requested exclusion. That matter is captioned Foster, et al. v. Leeds, Morelli & Brown, P.C., et al., Case No. 2002CV1484, Arapahoe County District Court, State of Colorado.

7. The Foster class action case was settled pursuant to the C.R.C.P. 23.1 fairness approval process. A final order approving that settlement was entered. In that Order, the Colorado District Court released all claims asserted by 548 of the 587 claimants against Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq. The Colorado class action case was based upon the identical underlying matter as the case at bar.

8. I and my colleagues, Mssrs. Michael McConnell and Steinmetz, just defended a suit filed by two purported class members who requested timely exclusion from the Colorado class action and who are also purported members of the putative sub-class in the case at bar. That matter is captioned McNeil, et al. v. Leeds, Morelli & Brown, et al., Denver District Court, State of Colorado, Case No. 2003CV893. The McNeil matter had been pending for 4½ years and has just been tried to a jury which resulted in a defendants' verdict.

9. As a result of my representation of Leeds, Morelli & Brown, et al. in the Colorado class action case (Foster, et al. v. Leeds, Morelli & Brown, et al.) and the case filed by two claimants who timely requested exclusion from the Colorado class action (McNeil v. Leeds, Morelli & Brown, et al.), I have acquired substantial knowledge concerning the facts and legal issues involved in this case.

10. My practice focuses on the defense of professional liability matters, and in that capacity I have developed an expertise in handling legal malpractice matters similar to the case at bar.

11. Defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. have requested that I represent them in this action, and perform all services and functions as required under the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

12. I shall abide by the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York, including all disciplinary rules.

13. I shall notify the Court immediately of any matter affecting my standing with the bar of any other Court.

I declare, under penalties of perjury, that the foregoing is true and correct.

Dated: December 12, 2007

By:


TRACI L. VAN RELT, ESQ.

EXHIBIT “A”



Supreme Court of California

FREDERICK K. OHLRICH

Clerk of the Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

TRACI LYNNE VAN PELT

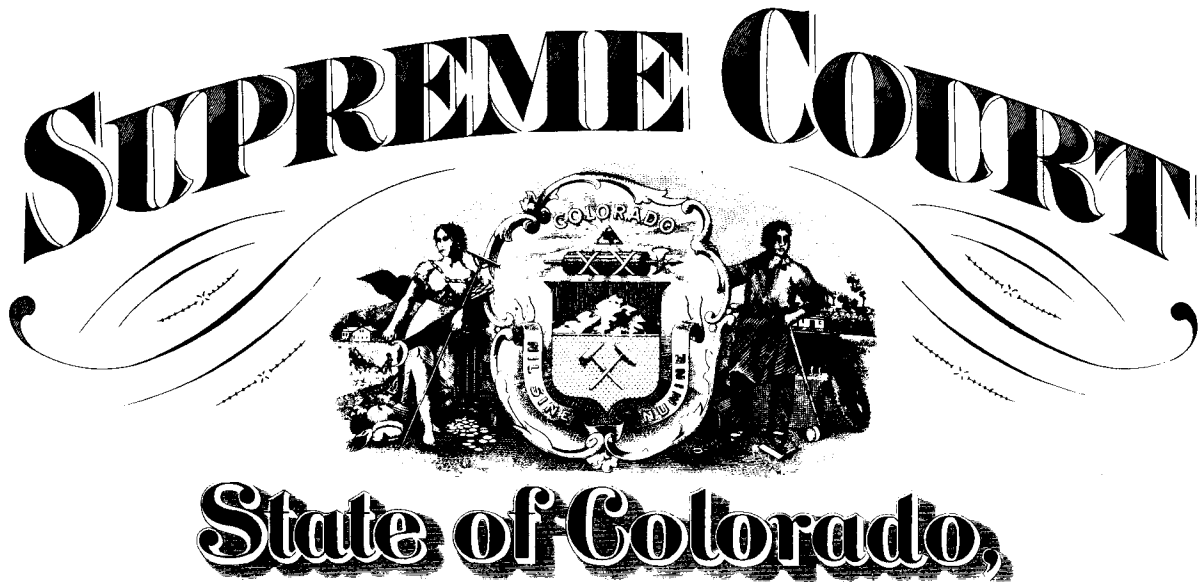
I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that TRACI LYNNE VAN PELT was on the 8TH day of DECEMBER 1994, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that her name now appears on the Roll of Attorneys as an inactive member of the bar of this state in good standing.

*Witness my hand and the seal of the court,
this 10th day of DECEMBER, 2007.*

FREDERICK K. OHLRICH

Clerk of the Supreme Court

By Joseph Cornetta
Joseph Cornetta, Deputy Clerk



STATE OF COLORADO, ss:

I, Susan J. Festag Clerk of the Supreme Court of the State of Colorado, do hereby certify that

TRACIL VAN PELT

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 26th

day of December A. D. 1995 and that at the date hereof the said TRACIL VAN PELT

is in good standing at this Bar.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

4th day of December A. D. 2007

Susan J. Festag

Clerk



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL S. JOHNSON, DONNA DYMKOWSKI,
PATRICIA LONG-CORREA, ANTONIO
SAMUEL, VINCENT HALL, ANGELETTE
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FREDERIC DAVID OSTROVE, BRYAN
MAZOLLA, SUSAN FITZGERALD, and JOHN and
JANE DOES 1-10, (a fictitious designation for
presently unknown Defendants),

Defendants.

**DECLARATION OF MICHAEL T.
McCONNELL, ESQ. IN SUPPORT
OF MOTION FOR APPEARANCE
PRO HAC VICE PURSUANT TO
LOCAL RULE 1.3(C)**

-----X
I, **MICHAEL T. McCONNELL, ESQ.**, pursuant to 28 U.S.C. § 1746, hereby

declare the following:

1. I am an attorney-at-law, admitted to practice in the States of Colorado and Wyoming, and a member of the law firm of McConnell, Siderius, Fleischner, Houghtaling & Craigmile, LLC, which is located at the Denver Corporate Center, Tower I, 4700 S. Syracuse, Suite 200, Denver, Colorado.

2. I have been admitted to practice in the State of Colorado since 1980; the State of Wyoming since 1992; the United States Supreme Court since 1998; the U.S. District Court for the District of Colorado since 1980; and the U.S. Tenth Circuit Court of Appeals since 1980. I have not been denied admission to, nor have I been subject to formal discipline by any Court. I further certify that I am currently in good standing with

these bars admissions. Copies of Certifications of good standing from both Colorado and Wyoming are annexed hereto as Exhibits "A" & "B" respectively.

3. This Declaration is submitted in support of my application for *pro hac vice* admission before this Court.

4. Rivkin Radler LLP, with offices located at 926 RexCorp Plaza, Uniondale, New York 11556, is currently counsel of record in this matter, and agrees to continue to serve as local counsel on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. pursuant to Local Rule 1.3(c) and to comply with all Rules of Practice set forth under both the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

5. My Firm currently represents defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. I have therefore developed expertise in litigating the precise issues arising from and related to this case. I have also become familiar with the policies, procedures and legal positions of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq.

6. This case is a purported class action. As against defendants Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq., Plaintiffs seek certification of a sub-class comprised of those persons who timely requested exclusion from a class action filed against these same defendants in the State of Colorado. My colleague Ms. Van Pelt and myself were counsel of record in the Colorado class action lawsuit from which the sub-class asserting claims against Leeds, Morelli &

Brown, P.C. requested exclusion. That matter is captioned Foster, et al. v. Leeds, Morelli & Brown, P.C., et al., Case No. 2002CV1484, Arapahoe County District Court, State of Colorado.

7. The Foster class action case was settled pursuant to the C.R.C.P. 23.1 fairness approval process. A final order approving that settlement was entered. In that Order, the Colorado District Court released all claims asserted by 548 of the 587 claimants against Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq. The Colorado class action case was based upon the identical underlying matter as the case at bar.

8. I also defended a lawsuit filed by two purported class members who requested timely exclusion from the Colorado class action and who are also purported members of the putative sub-class in the case at bar. That matter is captioned McNeil, et al. v. Leeds, Morelli & Brown, et al., Denver District Court, State of Colorado, Case No. 2003CV893. The McNeil matter had been pending for 4½ years and was tried before a jury resulting in a defendants' verdict.

9. As a result of my representation of Leeds, Morelli & Brown, et al. in the Colorado class action case (Foster, et al. v. Leeds, Morelli & Brown, et al.) and the case filed by two claimants who timely requested exclusion from the Colorado class action (McNeil v. Leeds, Morelli & Brown, et al.), who now purport to be members of the sub-class in the present matter), I have acquired substantial knowledge concerning the facts and legal issues involved in this case.

10. My practice focuses on the defense of professional liability matters, and in that capacity I have developed an expertise in handling legal malpractice matters similar to the case at bar.

11. Defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. have requested that I represent them in this action, and perform all services and functions as required under the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

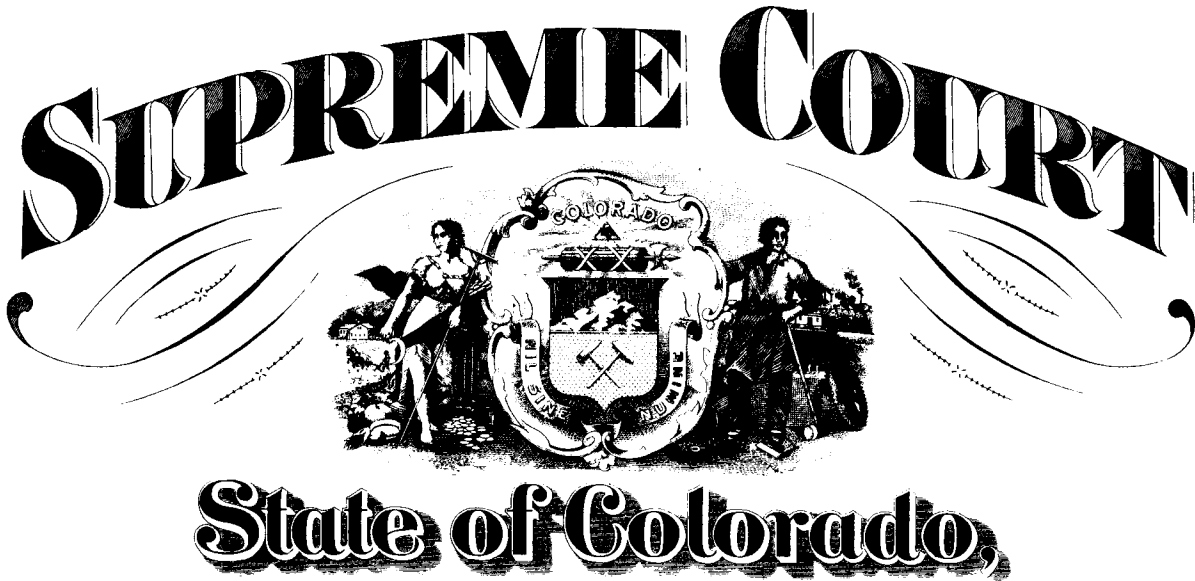
12. I shall abide by the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York, including all disciplinary rules.

13. I shall notify the Court immediately of any matter affecting my standing with the bar of any other Court.

I declare, under penalties of perjury, that the foregoing is true and correct.

DATED: December 12, 2007

By: 
MICHAEL T. McCONNELL, ESQ.



STATE OF COLORADO, ss:

I, Susan J. Festag Clerk of the Supreme Court of the State of Colorado, do hereby certify that

MICHAEL T MCCONNELL

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 17th

day of October A. D. 1980 and that at the date hereof

the said MICHAEL T MCCONNELL

is in good standing at this Bar.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

4th

day of December

A. D. 2007

Susan J. Festag

Clerk

CERTIFICATE OF THE CLERK OF THE SUPREME COURT
OF THE
STATE OF WYOMING

I, Judy Pacheco, Clerk of the Supreme Court of the State of Wyoming, hereby certify that, according to the records of my office:

M I C H A E L T H E O D O R E M c C O N N E L L

was on the 19th day of August, 1992, duly admitted to practice as an Attorney and Counsellor at Law in all the courts of Wyoming; that the above admittee has never been disbarred or suspended; that no disciplinary proceedings are pending against this admittee; and that this admittee's name now appears on the Roll of Attorneys in this office as a member of the bar in good standing.

Given under my hand and the seal of said Court this 4th day of December, 2007.

Judy Pacheco, Clerk

A handwritten signature in cursive script, appearing to read "Kiana Muckey", written over a horizontal line.

by deputy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendants.

**DECLARATION OF ROBERT W.
STEINMETZ, ESQ. IN SUPPORT
OF MOTION FOR APPEARANCE
PRO HAC VICE PURSUANT TO
LOCAL RULE 1.3(C)**

-----X
I, **ROBERT W. STEINMETZ, ESQ.**, pursuant to 28 U.S.C. § 1746 hereby

declare the following:

1. I am an attorney-at-law, admitted to practice in the States of Wisconsin and Colorado, and an Associate with the law firm of McConnell, Siderius, Fleischner, Houghtaling & Craigmile, LLC, which is located at the Denver Corporate Center, Tower I, 4700 S. Syracuse, Suite 200, Denver, Colorado.

2. I have been admitted to practice in the State of Wisconsin since 2002; the State of Colorado since 2003; the U.S. District Court for the District of Colorado since 2005; and the U.S. Tenth Circuit Court of Appeals since 2005. I have not been denied admission to, nor have I been subject to formal discipline by any Court. I further certify that I am currently in good standing with these bars admissions.

3. This Declaration is submitted in support of my application for *pro hac vice* admission before this Court.

4. Rivkin Radler LLP, with offices located at 926 RexCorp Plaza, Uniondale, New York 11556, is currently counsel of record in this matter, and agrees to continue to serve as local counsel on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. pursuant to Local Rule 1-3(c), and to comply with all Rules of Practice set forth under both the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

5. My Firm currently represents defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. I have therefore developed expertise in litigating the precise issues arising from and related to this case. I have also become familiar with the policies, procedures and legal positions of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq.

6. This case is a purported class action. As against defendants Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq., Plaintiffs seek certification of sub-class comprised of those persons who timely requested exclusion from a class action filed against these same defendants in the State of Colorado. My firm was counsel of record in the Colorado class action lawsuit from which the sub-class asserting claims against Leeds, Morelli & Brown, P.C. requested exclusion. That matter is captioned Foster, et al. v. Leeds, Morelli & Brown, P.C., et al., Case No. 2002CV1484, Arapahoe County District Court, State of Colorado.

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8. Subsequently, I participated in defending a lawsuit filed by two purported class members who requested timely exclusion from the Colorado class action and who are also purported members of the putative sub-class in the case at bar. That matter is captioned McNeil, et al. v. Leeds, Morelli & Brown, et al., Denver District Court, State of Colorado, Case No. 2003CV893. The McNeil matter had been pending for 4½ years and was tried before a jury resulting in a defendants' verdict. The issues in McNeil were substantially identical to those claims asserted against in this matter.

9. As a result of my representation of Leeds, Morelli & Brown, et al. in the Colorado class action and the case filed by two claimants who opted out of the Colorado class action (who are members of the purported sub-class in the case at bar), we have acquired substantial knowledge concerning the facts and legal issues involved in this case.

10. My practice focuses on general litigation, including the defense of professional liability matters. In that capacity I have developed an expertise in handling legal malpractice matters similar to the case at bar.

11. Defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. have requested that I represent them in this

action, and perform all services and functions as required under the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

12. I shall abide by the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York, including all disciplinary rules.

13. I shall notify the Court immediately of any matter affecting my standing with the bar of any other Court.

I declare under penalties of perjury, that the foregoing is true and accurate.

Dated: December 12, 2007

By: 
ROBERT W. STEINMETZ, ESQ.



David R. Schanker
Clerk

WISCONSIN SUPREME COURT

OFFICE OF THE CLERK

110 E. Main Street, Suite 215

P.O. Box 1688

Madison, WI 53701-1688

Telephone: 608-266-1880

TTY: 800-947-3529

Fax: 608-267-0640

<http://www.wicourts.gov>

CERTIFICATE OF GOOD STANDING

I, David R. Schanker, Clerk of the Supreme Court of Wisconsin certify that the records of this office show that:

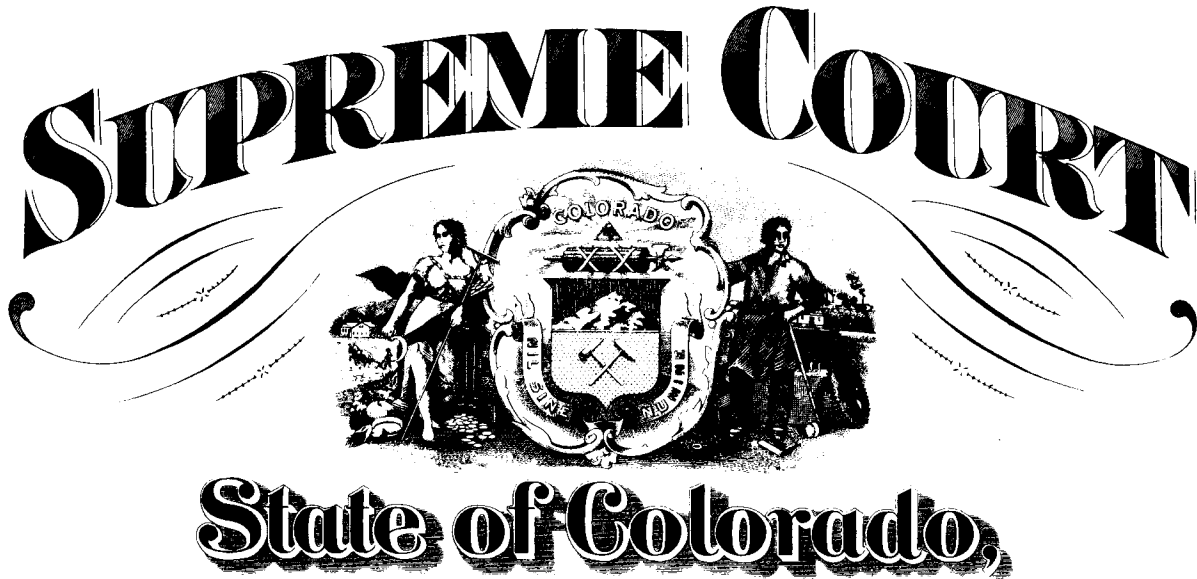
ROBERT W. STEINMETZ

was admitted to practice as an attorney within this state on December 20, 2002 and is presently in good standing in this court.

Dated: December 4, 2007

A handwritten signature in black ink, appearing to read "DRS", is written over a horizontal line.

DAVID R. SCHANKER
Clerk of Supreme Court



STATE OF COLORADO, ss:

I, Susan J. Festag Clerk of the Supreme Court of the State of Colorado, do hereby certify that

ROBERT W STEINMETZ

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 19th

day of May A. D. 2003 and that at the date hereof

the said **ROBERT W STEINMETZ**

is in good standing at this Bar.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

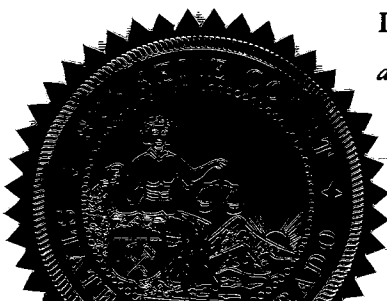
4th

day of December

A. D. 2007

Susan J. Festag

Clerk



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL S. JOHNSON, DONNA DYMKOWSKI,
PATRICIA LONG-CORREA, ANTONIO
SAMUEL, VINCENT HALL, ANGELETTE
WATERS, Individually, and on behalf of the Class,

Civil Action No. 1:07-CIV 8473

Plaintiffs,

-against-

NEXTEL COMMUNICATIONS, INC., a Delaware
Corporation, LEEDS, MORELLI & BROWN, P.C.,
LENARD LEEDS, STEVEN A. MORELLI,
JEFFREY K. BROWN, JAMES VAGNINI,
FREDERIC DAVID OSTROVE, BRYAN
MAZOLLA, SUSAN FITZGERALD, and JOHN and
JANE DOES 1-10, (a fictitious designation for
presently unknown Defendants),

Defendants.

-----X
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

I, MEAGAN SANDERS, being sworn, say:

I am not a party to the action, am over 18 years of age and reside in Nassau County, New York.

On December 14, 2007, I served the within NOTICE OF MOTION FOR APPEARANCE PRO HAC VICE OF TRACI L. VAN PELT, ESQ., MICHAEL T. McCONNELL, ESQ. AND ROBERT W. STEINMETZ, ESQ., PURSUANT TO LOCAL RULE 1.3(C), DECLARATION OF SHARI C. LEWIS, ESQ. IN SUPPORT OF MOTION FOR APPEARANCE PRO HAC VICE, DECLARATION OF TRACI L. VAN PELT, ESQ., IN SUPPORT OF MOTION FOR APPEARANCE PRO HAC VICE, DECLARATION OF MICHAEL T. McCONNELL, ESQ. IN SUPPORT OF MOTION FOR APPEARANCE PRO HAC VICE AND DECLARATION OF ROBERT W. STEINMETZ, ESQ. IN SUPPORT OF MOTION FOR APPEARANCE PRO HAC VICE PURSUANT TO LOCAL RULE 1.3(C) by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S.

Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

TO: ANGEL M. ROPER, ESQ. And
KENNETH THYNE, ESQ.
ROPER & TWARDOSKY, LLC
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Antonio Samuel, Vincent Hall, Angelette Waters
77 Jefferson Place
Totowa, New Jersey 07512-2614
(973) 790-4441

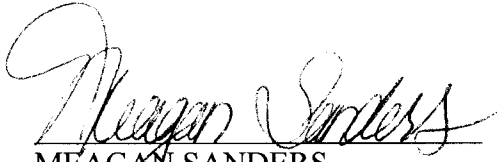
JOSEPH C. O'KEEFE, ESQ.
LAWRENCE ROY SANDAK, ESQ.
THOMAS ALOYSIUS McKINNEY, ESQ.
JOSEPH C. O'KEEFE, JR., ESQ.
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Susan Fitzgerald
Suite 1400
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(609) 392-2100

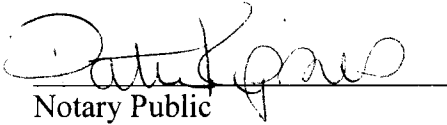
-and-

JASON SCOTT FEINSTEIN
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(609) 392-2100

JOHN J. ROBERTELLI, ESQ.
RIVKIN RADLER, LLP
21 Main Street
Court Plaza South – West Wing
Hackensack, New Jersey 07601-7021


MEAGAN SANDERS

Sworn to before me this
14th day of December, 2007


Notary Public

PATRICIA KIPNES
Notary Public, State of New York
No. 01KI5049568
Qualified in Nassau County
Commission Expires Sept. 17, 2009